

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claims 1-2, 4, 6-10, 12-16, and 21-24 have been rejected by the Examiner. Claim 24 has been amended, and Claims 13-15 have been cancelled without prejudice. No new matter has been added. Accordingly, Claims 1-12, 16, and 21-24 will be pending in the present application upon entry of this Amendment and Reply, with Claims 3, 5, and 11 withdrawn from consideration.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Drawings

On page 2 of the Office Action, the drawings were objected to by the Examiner under 37 C.F.R. § 1.98(b). Claims 13-15 have been cancelled without prejudice.

Claim Rejections – 35 U.S.C. § 112

On page 3 of the Office Action, Claims 13-15 and 24 were rejected under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13-15 have been cancelled without prejudice in response to the drawing rejection. The Applicants do not necessarily agree with or acquiesce in the rejection of such claims under 35 U.S.C. § 112 ¶ 2. However, in view of the cancellation of such claims, the rejection under 35 U.S.C. § 112 ¶ 2 has been rendered moot.

While the Applicants disagree that there is any confusion as to what is meant by the term “the trenches” in Claim 24 – since Claim 21 from which it depends includes the term “isolation trenches” – Claim 24 has nevertheless been amended to recite “the isolation trenches.” It should be understood that such an amendment is not intended, and should not be interpreted, as limiting the scope of Claim 24 in any way.

Claim Rejections – 35 U.S.C. § 102

On page 4 of the Office Action, Claims 1-2, 4, 6-10, 12-13, 16, and 21-24 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,878,606 to Ohnishi et al.

The Applicants respectfully traverse this rejection. Specifically, the Applicants submit that Ohnishi et al. is not available as a prior art reference against the claims of the present application.

A Declaration by the inventors pursuant to 37 C.F.R. § 1.131 has been provided herewith, which provides evidence that the subject matter recited in the pending claims of the present application was conceived prior to the effective filing date of Ohnishi et al. and that those involved in the conception, preparation, and filing of the present application engaged in reasonable due diligence from before the effective filing date of Ohnishi et al. until the time of the January 12, 2004 filing date of the present application.

Accordingly, the rejection of Claims 1-2, 4, 6-10, 12-13, 16, and 21-24 should be withdrawn, because Ohnishi et al. is not available as prior art against such claims. Reconsideration and withdrawal of the rejections of Claims 1-2, 4, 6-10, 12-13, 16, and 21-24 under 35 U.S.C. § 102(e) is therefore respectfully requested.

Claim Rejections – 35 U.S.C. § 103

On page 7 of the Office Action, Claims 14-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ohnishi et al. in view of U.S. Patent Application Publication No. 2004/0137742 A1 to Ngo et al.

The Applicants respectfully traverse this rejection.

As described above, Ohnishi et al. is not available as a prior art reference against the claims of the present application.

Further, Ngo et al. is unavailable as a 35 U.S.C. § 103(a) reference in accordance with 35 U.S.C. § 103(c), which states as follows:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Ngo et al. was filed on January 14, 2003 and published on July 15, 2004; the present application was filed on January 12, 2004 and remains pending. Accordingly, if Ngo et al. is available as a prior art reference, it would be under 35 U.S.C. § 102(e).

The current application is assigned to Advanced Micro Devices, Inc., as evidenced by an assignment recorded in the records of the U.S. Patent and Trademark Office at Reel/Frame 014896/0990. Ngo et al. is also assigned to Advanced Micro Devices, Inc., as evidenced by an assignment recorded in the records of the U.S. Patent and Trademark Office at Reel/Frame 013661/0488.

Accordingly, 35 U.S.C. § 103(c) dictates that Ngo et al. is not available as a prior art reference under 35 U.S.C. § 103(a) with respect to the claims of the present application. Reconsideration and withdrawal of the rejection of Claims 14-15 is therefore respectfully requested.

* * *

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending claims.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated,

otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 8/4/06

By 

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